

Great Brit. - George III

No 29

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*For Dividing and Inclosing the Open Fields of
Thurmaston, in the Parishes of Belgrave,
and Barkby, in the County of Leicester.*

WHEREAS there are several Open Fields in *Thur-* Preamble.
maston, in the County of *Leicester*, consisting of Arable
Land, and Meadow and Pasture Ground; containing
together about Sixteen hundred Acres; some of which
Fields are in the Parish of *Belgrave*, and the Residue in
the Parish of *Barkby*, in the said County.

And whereas Part of the Town of *Thurmaston*, and
several of the Antient Inclosures there, are in the said Parish of *Belgrave*, and
the Residue in the said Parish of *Barkby*.

And whereas such of the said Fields as are in the said Parish of *Belgrave*,
are within, or Parcel of a Manor belonging to the Right Honourable *William*
Manners, Esq; commonly called Lord *William Manners*; and such of the said
Fields as are in the said Parish of *Barkby*, are within, or Parcel of a Manor
belonging to *William Pechin*, Esquire.

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And

And whereas the Right Reverend Father in God, *Frederick*, Lord Bishop of *Litchfield and Coventry*, in Right of his Bishoprick and See, is Rector of the Rectory, Impropriate, and Parish Church of *Belgrave*; and as such entitled, amongst other Things, to a small Parcel of Glebe Land, in one of such of the said Fields, as are in the said Parish of *Belgrave*, and to the Swap or first Math of about Two Acres, Part of a certain Meadow Ground in such Part of *Thurmaston* aforesaid, as is in the said Parish of *Belgrave*, called the *Bellholme*; and also to all the Tythes, Dues, and Payments, as well Rectorial as Vicarial (except Surplice Fees) Arising, Renewing, Increasing, Happening, or Payable, in such Part of the Town of *Thurmaston* aforesaid, and in such of the Fields and Ancient Inclosures there, as are within the said Parish of *Belgrave*; which Tythes, Dues, and Payments (except as before excepted) are held and enjoyed by *William Aislaby*, Esquire, by Virtue of, or under a Lease for Twenty-one Years from the said Lord Bishop of *Litchfield and Coventry*.

And whereas *Samuel Gamble*, Gentleman, is intitled to the Tythes of all the Corn, Grain, Hay, and other Rectorial Tythes; And also to all Rectorial Dues and Payments, Arising, Renewing, or Increasing, in such of the said Fields as are within the said Parish of *Barkby*; And also to Part of all the aforesaid Fields, and to Right of Common, in, upon, and over the same.

And whereas the said *William Pochin* is Patron of the Vicarage and Church of *Barkby* aforesaid, and a Proprietor of Land in such of the said Fields, as are in the said Parish of *Barkby*; and intitled to Right of Common, in, upon, and over those Fields.

And whereas the Reverend *Ralph Heatbroke*, Doctor in Divinity, is Vicar of the Vicarage of *Barkby*, and as such intitled to all the Vicarial Tythes in Kind, Dues, and Payments, Arising, Renewing, Increasing, or Payable, in such Part of *Thurmaston* aforesaid, and such of the said Fields as are in the said Parish of *Barkby*; And also to both the Rectorial and Vicarial Tythes, in Kind, Dues and Payments, Arising, Renewing, Increasing, or Payable, for such of the Ancient Inclosures in *Thurmaston* aforesaid, as are within the said Parish of *Barkby*.

And whereas the Reverend *Nicholas Simons*, the Reverend *George Pochin*, and others, are the Proprietors of the Residue of such of the said Fields as are in the said Parish of *Belgrave*, and intitled to the Residue of the Right of Common, in, upon, and over the same.

And whereas *William Gutteridge*, *William Adcock*, *John Choise*, Gentlemen, and others, are the Proprietors of the Residue of such of the said Fields as are in the said Parish of *Barkby*, and intitled to the Residue of the Right of Common, in, upon, and over such last mentioned Fields.

And whereas the Lands and Grounds of the several Proprietors in the said Fields lie intermixed and dispersed, and it would be advantageous to them to have the same divided and inclosed, and a specific Share thereof allotted to each Proprietor and Person interested therein, according to his or her Property

Property and Interest in the same Fields, to be held in Severalty for ever, discharged of all Right of Common, in, upon, and over the same; and the said Lord Bishop, *William Aislaby, William Pochin, Ralph Heatbrote, Nicholas Simons, George Pochin, Samuel Gamble, William Gutteridge, William Adcock, John Choice*, and others of the said Proprietors and Persons interested in the said Fields, are desirous thereof; and that such Allotment as herein after provided, may be made in Lieu of the Waste Grounds in the said respective Fields, and of such of the said Rectorial and Vicarial Tythes, Dues and Payments herein after mentioned (except as before excepted) held by the said *William Aislaby*, by Virtue of, or under Lease as aforesaid, and in Lieu of such of the said Tythes, Dues, and Payments, belonging to the said *Samuel Gamble*, as herein after mentioned; And also of such of the said Tythes, Dues, and Payments, herein after mentioned, belonging to the said *Ralph Heatbrote*, as Vicar as aforesaid (except as herein after excepted.) But such Division, Inclosure, and Allotment, cannot be effectually made and established, without the Aid of Parliament.

May it therefore please YOUR MAJESTY,

That it may be Enacted, and be it Enacted, by the KING's Most Appointment of Commis-
 EXCELLENT MAJESTY, by and with the Advice and Consent of the sioners.
 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; That *John Davys*, of *Loughborough* in the County of *Leicester*, *William Wyatt*, of *Seany Park*, in the County of *Stafford*, *William Wyatt*, of *Burton upon Trent*, in the said County of *Stafford*, *Thomas Oldknow*, of the Town and County of the Town of *Nottingham*, and *Edward Bishop*, of *Humberstone*, in the said County of *Leicester*, Gentlemen, and their Successors, to be elected in Manner herein after mentioned, shall be, and they are hereby appointed Commissioners for the Setting out, Dividing, Allotting, and Inclosing, all the Lands and Grounds in the said Fields, and for putting this Act in Execution; and that such Person or Persons as the said Commissioners, or any Three or more of them, shall appoint, shall, as soon as conveniently may be after the Passing of this Act, survey and measure all the Lands and Grounds in the said Fields, and also in the said Ancient Inclosures, and reduce such Survey and Admeasurement into Writing; and therein express and ascertain the Number of Acres, Roods, and Perches, belonging to every Proprietor of Land or Ground in the said Fields and Inclosures; which Survey and Admeasurement shall be laid before the said Commissioners, or any Three or more of them, at one or more of their Meetings to be held in Pursuance of this Act. Directions for a Survey.

And be it further Enacted, That the said Commissioners, or any Three Allotments,
 or more of them, shall, and they are hereby authorized and required, as soon after the said Survey shall have been made and laid before them as conveniently may be, to set out and allot, all in one Lot, unto and for the said Lord *William Manners*, in Lieu and full Satisfaction of and for his Right and Interest in and In Lieu of
 to the Waste Grounds in such of the said Fields, as are in the said Parish of *Belgrave*, so much and such a Parcel of those Fields, as shall (Quantity and Quality considered) be, in the Judgment of the said Commissioners, or any Three
 Waste Grounds.

To the Im-
propriators.

Three or more of them, equal to Four Acres of the same Fields, upon an Average, in Value of the Whole of such Fields, through which Allotment of Four Acres, no Road shall be made on any Account whatsoever; any thing herein contained to the contrary notwithstanding: And unto and for the said *William Pockin*, in Lieu and full Satisfaction of and for his Right and Interest in and to the Waste Grounds in such of the said Fields as are in the said Parish of *Barkby* so much and such a Parcel of those Fields, as shall (Quantity and Quality considered) be in the Judgment of the said Commissioners, or any Three or more of them, equal to half an Acre of the same Fields, upon an Average, in Value of the Whole of such last mentioned Fields: And also to Set out and Allot unto and for the said *William Aislaby*, his Executors, Administrators, and Assigns, during the now Residue of his said Lease; and afterwards unto and for the Lord Bishop of *Litchfield and Coventry* for the Time being, for ever, in Lieu of, and full Compensation for all the great and small Tythes, Dues, and Payments, Arising, Renewing, Increasing, Happening, or Payable in such Part of the Town of *Thurmaston* aforesaid, and in such of the said Fields and Antient Inclosures there, as are within the said Parish of *Belgrave*, and are now in Lease as aforesaid, to the said *William Aislaby*; (except Mortuaries, and such Tythes, Dues, and Payments, as Arise, Renew, Increase, Happen, or are Payable, out of, for, or from such Houses, Yards, Gardens, Orchards, or Antient Inclosures, in *Thurmaston* aforesaid, which do not now belong to Proprietors of Land in such of the said Fields, as are in the said Parish of *Belgrave*, or are payable, by the Owners, or Occupiers, for the Time being, of such Houses, Yards, Gardens, Orchards, or Ancient Inclosures, in Respect of the same) such Parcel or Parcels of such of the said Fields as are in the said Parish of *Belgrave*, exclusive of the Meadows and Hades there, whereof no Tythe in Kind is now usually paid; as (Quantity and Quality considered) shall, in the Judgment of the said Commissioners, or any Three or more of them, be and contain One Seventh Part, and no more, of such Fields, exclusive as aforesaid; and also, such further Quantity of the same Fields, as when, and so soon as inclosed, shall, in the Judgment of the said Commissioners, or any Three or more of them, be equal in Value to one Tenth Part of all the Gardens, Orchards, Homesteads, and other Inclosures, in such Part of *Thurmaston* as aforesaid, as are in the said Parish of *Belgrave*, as exceed one Rood each: And also, such further Quantity of such of the said Fields, as are in the said Parish of *Belgrave*, as when, and so soon as inclosed, shall, in the Judgment of the said Commissioners, or any Three or more of them, be (clear of Land-Tax, and all other Deductions), of the yearly Value of Thirty-one Shillings (the present Amount of a certain Modus, Rate, Tythe, or Payment of Eight-pence a Yard Land, now issuing, and payable thereout, to the said Rectory of *Belgrave*) which said several Parcels and Quantities of Land, to be set out and allotted as aforesaid to, and for the said *William Aislaby*, and the said Lord Bishop of *Litchfield and Coventry*, respectively, shall be, and are hereby vested in the said *William Aislaby*, his Executors, Administrators, and Assigns, during the Continuance of his said Lease; and afterwards, in the Lord Bishop of *Litchfield and Coventry*, for the Time being, in Satisfaction and full Discharge of all such great and small Tythes, and other Dues and Payments as aforesaid, in Respect of the said Rectory of *Belgrave*, (except as before excepted) and shall be subject to the same Sort of Taxes, Charges, Levies, Assessments, and Payments, as the said great and small Tythes, Dues, and Payments (except as before excepted) now are, and in Case this

this Act had not been passed, would have been subject to, and no other; and to Set out, and Allot unto and for the said *Samuel Gamble*, in Lieu of, and full Compensation for, his said Tythes, and Rectorial Dues and Payments, such Parcel or Parcels, of such of the said Fields, as are in the Parish of *Barkby*, (exclusive of the Meadows, and other Land there, whereof no Tythe in Kind is usually paid) as Quantity and Quality considered, shall, in the Judgment of the said Commissioners, or any Three or more of them, contain One Seventh Part of such Fields, exclusive as aforesaid: And also, such further Quantity of the same Fields, as shall, when, and as soon as inclosed, be, in the Judgment of the said Commissioners, or any Three or more of them, of the yearly Value of Five Shillings, clear of all Land-Tax, and all other Deductions, (the present Amount of a certain Modus, Rate, Tythe, or Payment of Three-pence for every Yard Land of the said Fields, in the said Parish of *Barkby*, now issuing, and payable thertout, to the said *Samuel Gamble*) which said several Parcels or Quantities of Land to be Set out and Allotted as aforesaid, to, and for the said *Samuel Gamble*, shall be, and are hereby vested in him, in Satisfaction and full Discharge of his Tythes, and Rectorial Dues and Payments aforesaid, and shall be subject to the same Sort of Taxes, Charges, Levies, Assessments, and Payments, as such the said Tythes, and Rectorial Dues and Payments now are, and in Case this Act had not passed, would have been subject to, and no other: And also, to Set out, and Allot unto, and for the said *Ralph Heatbcote*, and his Successors, Vicars of the said Vicarage of *Barkby*, for the Time being, in Lieu of, and Compensation for, all the Vicarial Tythes in Kind, Dues, and Payments, Arising, Renewing, Increasing, Happening, or Payable, in such Part of the Town of *Tburmaffon* aforesaid, and the Fields there, as are within the said Parish of *Barkby*, and of the Rectorial and Vicarial Tythes, Dues, and Payments, of such of the Ancient Inclosures in *Tburmaffon* aforesaid, as are in the said Parish of *Barkby*, (except Mortuaries, Surplice Fees, and such Tythes, Dues, and Payments, as shall Airse, Renew, Increase, Happen, or be Payable out of, for, or from the Houses, Yards, Gardens, Orchards, or Ancient Inclosures there, which do not now belong to Proprietors of Land, in the same Fields, or are payable by the Owners or Occupiers for the Time being, of such Houses, Yards, Gardens, Orchards, or Ancient Inclosures) such Parcel or Parcels of Land, in such of the said Fields as are in the said Parish of *Barkby*, as shall, when, and so soon as inclosed, be in the Judgment of the said Commissioners, or any Three or more of them, of the yearly Value of Nine Pounds; which same Parcel or Parcels of Land, is, and are hereby vested in, the said *Ralph Heatbcote*, and his Successors, Vicars of the said Vicarage of *Barkby*, for the Time being, in Satisfaction and full Discharge of such his and their aforesaid Tythes, Dues, and Payments, (except as before excepted) and shall be subject to the same Sort of Taxes, Charges, Levies, Assessments, and Payments, as the same Tythes, Dues, and Payments now are, and in Case this Act had not passed, would have been subject to, and no other: And to Set out, Divide, and Allot, all the Residue of the Lands and Grounds in all the said Fields intended to be inclosed, unto, between, and amongst the several Persons, who, at the Time of making such Division and Allotment, shall be entitled to Land, Ground, Right of Common, or other Property in the same, in Proportion to their several and respective Shares, Rights, Properties, and Interests therein, (except as to such Shares, Rights, Properties, and Interests of, and in the same Fields, in respect whereof Allotments are herein before directed to be made), subject nevertheless to the Rules, Orders, and Directions herein after contained; and under a due Regard to the Quantity, Quality, and Situation of the Land

To the Vicar
of *Barkby*.

And to the several Proprietors of Land,
&c.

and Ground to be allotted in Lieu of the Land or Ground each Proprietor is now seized, or possessed of, or intitled to; and to the Convenience of every one of the said Proprietors, as far as shall or may be consistent with, the general convenient Partition and Division of all the Lands and Grounds intended to be inclosed.

Commission-
ers to deter-
mine Differ-
ences.

And it is hereby further Enacted, That in Case any Difference or Differences shall arise between any of the Parties interested in the said intended Inclosure, touching their respective Rights or Claims, in or in Respect of the said Tythes, Dues, or Payments, or the Lands to be inclosed by Virtue of this Act, or the Right of Common, or other Property, in, upon, or over the same, it shall and may be lawful for the said Commissioners, or any Three or more of them, and they are hereby authorized and required to hear and examine Witnesses, upon Oath, (which Oath the said Commissioners, or any Three or more of them, are hereby empowered to administer) touching the same; and thereupon, and upon other proper Enquiry, or legal Evidence, finally to determine such Difference or Differences.

To set out
Roads.

And be it further Enacted, That the said Commissioners, or any Three or more of them shall and may ascertain, set out, and appoint, both public and private Horse, Cart, Carriage, Drift, and Foot-ways or Roads, in, over, and through the said Fields intended to be inclosed: And that the public Cart, Carriage, and Drift Ways or Roads, shall be Forty Feet broad, at least, clear of Ditches; and that the public Cart, Carriage, and Drift Way or Road, which shall, in Virtue of this Act, be set out, and appointed over the said Fields, between the said Town of *Tburmaston* and *Leicester*, and between the said Town of *Tburmaston* and *Syston*, in the said County, shall be, ever after the setting out, and appointing the same, amended, cleansed, and repaired, by, and at the general Expence of the Inhabitants of *Tburmaston* aforesaid, in the same Manner as the present public Ways or Roads there, are, or ought to be: As shall also all other the public Cart, Carriage, and Drift Ways or Roads, which shall, in Virtue of this Act, be set out and appointed over the said Fields, so long as such Ways or Roads respectively shall lie open or unfenced (other than by a Ditch), from the Land adjoining thereto, on any one Side thereof, for the Space of Fifty Yards or upwards, from such adjoining Roads; but in Case any one or more of the Proprietors of the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, shall make any Hedge, or other Fence (except a Ditch) against the Whole, or any Part or Parts of such public Road or Roads, as shall be awarded, through, his, her, or their Allotment or Allotments, within Fifty Yards of such Road or Roads, then he, she, or they, and the Owner or Owners for the Time being, of the Allotment or Allotments, which shall be so inclosed or separated from such Roads, (except by a Ditch as aforesaid), shall, for so long Time as the same shall continue so inclosed or separated, amend, maintain, and keep in Repair, such Road or Roads, or such Part or Parts thereof as aforesaid, at his, and their own Expence. **And also,** that the said Commissioners, or any Three or more of them, shall, and may, direct and appoint public and private Ditches, Drains, Bridges, Gates, and Stiles, to be made in the said Fields; and that all such public and private Horse and Foot Ways or Roads, so to be set out as aforesaid; and all such public and private Ditches, Drains, Bridges, Gates, and Stiles, as shall be so directed to be made as aforesaid, shall be made, and from Time to Time amended, cleansed, and repaired, at the Expence of all, or such of the said Proprietors, and in such Manner, as the said Commissioners, or any Three

or

or more of them, shall in that Behalf order, direct, and appoint. And that it shall not be lawful for any Person or Persons, afterwards, to use or claim the Use of any Roads or Ways, either Old or New, Public or Private, over, within, or through the said Fields intended to be inclosed, or any Part or Parts thereof, either on Foot, or with Horses, Cattle, or Carriages, other than such Ways or Roads, as shall be so ascertained, set out, and appointed, by the said Commissioners as aforesaid, or any Three or more of them; and that all such former Ways or Roads, or so much thereof as shall not be set out or appointed as or for Ways or Roads through the Fields, shall be, and are hereby deemed Part of the Lands to be inclosed, and shall be divided and allotted as Part thereof; and that the Soil of the public and private Ways or Roads to be set out in pursuance of this Act, and the Herbage growing and renewing thereupon, shall by the said Commissioners, or any Three of them, be allotted to such Person or Persons as they the said Commissioners, or any Three or more of them, shall direct or appoint.

And be it further Enacted, That all the Land and Ground to be set out and allotted as aforesaid, to and for the said Lord *William Manners*, in Lieu of such his Waste Grounds as aforesaid; and all the Land and Ground to be set out, and allotted as aforesaid, to and for the said *William Aislaby*, his Executors, Administrators, and Assigns, during the now Residue of his said Lease, and afterwards, to and for the Lord Bishop of *Litchfield and Coventry*, for the Time being as aforesaid, shall, by and at the Expence of the several and respective Proprietors and Owners of the Lands and Grounds in such of the said Fields hereby intended to be inclosed, as are in the said Parish of *Belgrave*; and all the Lands and Grounds to be set out and allotted as aforesaid, to and for the said *William Pochin*, in Lieu of such his said Waste Grounds, and also to and for the said Vicar of *Barkby*, shall, by, and at the Expence of the several and respective Proprietors and Owners of the Lands and Grounds, in such of the said Fields hereby intended to be inclosed, as are in the said Parish of *Barkby*, be, within the Space of Six Calendar Months next after the Signing and Sealing of such Award or Instrument, as is herein after directed to be made, mounded, and fenced round by Ditches and Quickset Hedges, and guarded or fenced on each Side with Posts and double Rails, or otherwise, in such manner as the said Commissioners, or any Three or more of them, shall by such their Award or Instrument direct or appoint, which Mounds and Fences, or such Part or Parts thereof, as they the said Commissioners, or any Three or more of them, shall as aforesaid direct or appoint, shall, after the making thereof, be kept in Repair, as to the said respective Allotments to the said Lord *William Manners* and *William Pochin* respectively, in Lieu of their said respective Waste Grounds, by the said Lord *William Manners* and *William Pochin* respectively, and the respective Owners for the Time being of those respective Allotments; and as to the Allotment or Allotments for the said Rectory of *Belgrave*, by the said *William Aislaby*, his Executors, Administrators, and Assigns, during the Continuance of his said Lease, and afterwards by the Lord Bishop of *Litchfield and Coventry*, or his Lessee for the Time being; and as to the Allotment or Allotments for the said Vicar of *Barkby*, by the Vicar of the said Vicarage for the Time being; and that all the Hedges, Ditches, Gates, Stiles, and Fences to be made for the Inclosing, Separating, and Dividing the Residue of the said Lands and Grounds, pursuant to this Act, shall, within the like Space of time, be made, and

Directions
concerning
the Fences.

and at all Times thereafter for ever, repaired and maintained by, and at the Expence of, such Person or Persons, and in such Proportions and Manner as the said Commissioners, or any Three or more of them shall, by such their said Award or Instrument, direct or appoint; and that for the better preserving the young Hedges to be planted for inclosing the said Fields, it shall and may be lawful to and for the respective Persons, to whom any Share or Allotment shall be assigned or allotted, by Virtue of this Act, from Time to Time, and at all Times, during the Term of Ten Years next after the Execution of such Award or Instrument as aforesaid, to set down, and place Posts and Rails, or make any other Fence on the Outside of the Ditches, bounding their respective Allotments, not exceeding Three Feet from such Ditches, and at any Time before the End of the said Term to Remove, Take, and Carry away, such Posts and Rails, or other Fences, and convert the same to their respective Uses.

Convenient
Gaps to be
left in the
Inclosures.

And be it further Enacted, That convenient Gaps and Openings shall be left in such the said Fences and Inclosures, for the Space of Twelve Calendar Months next after the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, in, and through the same; unless the several Parties interested therein shall agree, that the same shall be sooner made up.

Present Owners
of Hedges,
&c. to cut
them down,
and take them
away.

And be it further Enacted, That in case any Land or Ground, upon which any Trees, Underwoods, Hedges, Bushes, or Shrubs, at the Time of such Allotment, shall be standing, growing, or being, shall be allotted, or assigned, to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at, and immediately before the making such Allotment, it shall and may be lawful to and for such Proprietor or Proprietors respectively, at any reasonable Time or Times, within the Space of Nine Calendar Months after such Allotment shall be made, to enter into, and upon the Lands and Grounds, upon which such Trees, Underwoods, Hedges, Bushes, or Shrubs shall be standing, growing, or being, and to fell, and cut down, and with Horses, Carts, and Carriages, take, and carry away the same, at his, and their Will and Pleasure, and for his and their respective Use and Benefit.

Except left
for boundary
Fences.

Provided always, That if any such Hedges shall be assigned, limited, or appointed, by the said Commissioners, or any Three or more of them, as, or for a Boundary or Fence for any of the Inclosures so to be made as aforesaid, all such Hedges shall be left Four Feet and an half high for the Benefit of the Person or Persons to whom such Inclosures shall belong, by virtue of this Act, he and they making such Allowance and Satisfaction for the same, to the former Owners and Proprietors of such Hedges respectively, immediately before such Allotment, at such Time or Times as the said Commissioners, or any Three or more of them, shall in that Behalf order and appoint.

Directions
concerning the
Award.

And be it further Enacted, That within the Space of Six Calendar Months after the Division and Allotments of the said Fields shall be completed and finished, the said Commissioners, or any Three or more of them shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity and Contents in Statute Measure, of the Acres, Roods, and Perches contained in the said Fields so intended to be inclosed as aforesaid, and the Quantity and Contents of every Part

Part and Parcel thereof, assigned and allotted to every of the Parties entitled to Lands, Tythes, Common Right, or other Property within the same, and a Description of the Situation, Burtals, and Boundaries of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the said publick and private Ways, or Roads, and for and concerning the laying out, making, maintaining, cleansing, and keeping in repair the publick and private Horse, and Foot Ways, or Roads, Ditches, Drains, Bridges, Gates, and Stiles, in, upon, and over the said intended Inclosures. And also, all such other Orders, Regulations, and Directions, as shall, in the Judgment of the said Commissioners, or any Three or more of them, be necessary, or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and the preventing all Difficulties and Disputes in relation to the Matters herein contained; which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or any Three or more of them, and shall within Six Calender Months next after the same shall be so signed and sealed as aforesaid, be inrolled in one of his Majesty's Courts of Record at Westminster, or by the Clerk of the Peace for the said County of Leicester; and a Copy of such Inrolment, attested by the proper Officer, where, or with whom the said Award or Instrument shall be inrolled, shall be admitted in all Courts whatsoever, as legal Evidence of the same.

And be it further Enacted, That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed unto, and for the several Persons, who, by Virtue of this Act, shall, at the Time of the Execution of such Award or Instrument as aforesaid, be intitled to the same, shall be, and are hereby vested in them respectively, in full Bar of, and Satisfaction and Compensation for, the respective Properties and Interests in the said Fields, which he, she, or they had before the passing of this Act, or immediately before the said Allotments made; and that from, and immediately after the making of the said Division and Allotments, and the Execution of the said Award or Instrument, of such Tenor or Purport as aforesaid, or as soon thereafter as the said Commissioners, or any Three or more of them, shall, by Virtue of the said Award or Instrument appoint, all Tythes, and Right of Common in the said Fields shall cease, determine, and be for ever extinguished; and that all and every Lease and Leases at rack or extended Rent, subsisting, of all or any Part or Parts of the Lands, Grounds, or Right of Common in the said Fields, and all other Agreements at rack or extended Rent, for any Time or Term therein, shall immediately, upon such Allotments and Divisions being made, and such Award or Instrument being executed as aforesaid, or so soon thereafter, as the said Commissioners, or any Three or more of them, shall, by their said Award or Instrument appoint, cease, determine, and be void; the respective Owners or Proprietors of such Part or Parts of the said Fields, who have made any such Lease or Leases, or Agreement or Agreements, making such Satisfaction to such his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Three or more of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same.

And be it further Enacted, That all and every Person and Persons interested in the said intended Inclosure, shall, and they are hereby required to accept his, her, and their respective Allotments; and that the Guardians, Husbands, Committees,

New Allotments vested in Proprietors.

Extinguishment of Tythes and Common.

Leases at Rack-Rent to be void on Satisfaction made.

Acceptance of Allotments.

mittees, or Trustees, of, or for any Person or Persons, being Minors, under Coverture, Lunaticks, beyond the Seas, or otherwise incapable by Law to accept such Allotments as aforesaid, shall be, and they are hereby enabled and required to accept thereof, for the Use of such Person or Persons incapable as aforesaid.

Provision for
the Fencing
of the Allot-
ments of such
as refuse.

And be it further Enacted, That in Case any Person or Persons, to whom, or to whose Use or Benefit, any Land or Ground shall, by Virtue of this Act be allotted, (except the said Lord *William Manners* and *William Pochin* respectively, in respect to their said respective Allotments, in Lieu of their said respective Waste Grounds, and except the said *William Aislaby*, and the Lord Bishop of *Litchfield* and *Coventry*, for the Time being, as to the Allotment or Allotments that shall be made, in respect to the said Rectory of *Belgrave*, and the Vicarage of *Barkby*, for the Time being, as to the Allotment that shall be made, in respect to the said Vicarage) shall not, within such Time as herein before limited, Inclose, Hedge, Ditch, and Fence the Land and Ground, so to be set out and allotted to or for him, her, or them respectively as aforesaid, in such manner as the said Commissioners, or any Three or more of them, shall in their said Award order and direct; then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to enter into, and upon, and to Lett and Sett to any Person or Persons whomsoever, the Land and Ground as aforesaid to be allotted, to such Person or Persons that shall so refuse or neglect. And also to make and raise such Fences to the same Allotments respectively, as by the said Award shall be directed to be made, and to hold and enjoy the same Premises, until they, the said Commissioners shall, out of the Rents and Profits thereof, have received and paid to themselves so much Money as shall be necessarily expended in and about inclosing the said Allotment or Allotments respectively, and a reasonable Allowance for their Trouble, and all Charges attending the same.

Directions
touching the
Expences of
the Act.

And be it further Enacted, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of Surveying, Admeasuring, Dividing, and Allotting the Lands Grounds, and Wastes, so intended to be Inclosed as aforesaid, and of Inclosing the Allotments to be made in respect to the said Rectory and Vicarage respectively, and of the preparing and inrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Expences about and concerning the said Premises, shall be borne and defrayed by the several Persons to whom Allotments shall be made, in pursuance of this Act (other than and except the said Lord *William Manners* and *William Pochin* respectively, in respect to their said respective Allotments, in Lieu of their said respective Waste Grounds, and other than, and except the said *William Aislaby*, the said Lord Bishop of *Litchfield* and *Coventry*, and the said Vicar of *Barkby* respectively, in respect to their said respective Allotments) by an equal Pound Rate, according to the Value of the Land and Ground each Person shall have allotted to him, by Virtue of this Act, to be settled, adjusted, and determined by the said Commissioners, or any Three or more of them; and in the Settling, Adjusting, and Determining thereof, the said Commissioners, or any Three or more of them, are hereby authorized and required to charge the Persons to whom Allotments shall be made in such of the said Fields as are in the said Parish of *Belgrave*, with a proper Proportion for the the

the respective Allotments to be made, for, or in respect of the said Waste Grounds in the Parish of *Belgrave*, and of the said Rectory of *Belgrave*, towards such Costs and Charges; and the Persons to whom Allotments shall be made in such of the said Fields as are in the said Parish of *Barkby*, with a proper Proportion towards such Costs and Charges for the Allotment to be made for, or in respect of the Waste Grounds, in the said Parish of *Barkby*, and of the said Vicarage respectively; and that in Case any of the said Proprietors or Owners shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of such Charges or Expences, within the Time to be limited by the said Commissioners, or any Three or more of them, to such Person or Persons, as they, or any Three or more of them, shall appoint to receive the same; then the said Commissioners, or any Three or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress or Distresses, and Sale or Sales; or otherwise it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid; and to take the Rents and Profits thereof, until thereby, or therewith, or otherwise, the Share or Shares, Proportion or Proportions of the said Costs and Charges, to be directed, awarded, and appointed by the said Commissioners, or any Three or more of them, to be paid to such Person or Persons as aforesaid; And also all Costs, Charges, and Expences, occasioned by, or attending such Entry upon, and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

And be it further Enacted, That the Tillage Parts of such of the said Fields, to be inclosed as aforesaid, as shall happen to be Fallow the Year wherein such Division and Allotments shall be made as aforesaid, shall be ploughed in an Husbandlike Manner, Two several Times in that Year, between the First Day of *February* and the First Day of *August*; and that every Proprietor, who shall neglect or refuse so to plough his, her, or their Parts of such the said Fields, in Manner as aforesaid, shall forfeit and pay to the new Proprietors respectively, by Virtue of this Act, of such Parts respectively so not Ploughed as aforesaid, Four Shillings an Acre for every Tilt or Ploughing omitted; and so in Proportion for every greater or less Quantity than an Acre, to be recovered by Application to the General Quarter Session of the Peace for the County of *Leicester*, in a summary Way; which Matter such Court of Session are hereby authorized and required to hear and finally determine, and to raise the Money that shall appear to be due to any Person or Persons complaining on the Account aforesaid, to be levied by Distress and Sale of the Offender or Offenders Goods and Chattels, by Warrant or Order of the same Court, with reasonable Costs. And also, that if any of the said Proprietors shall not have so much of such Tillage Land allotted to him, her, or them, by Virtue of this Act, as he, she, or they, shall so plough therein as aforesaid, or shall fold with Sheep; he, she, or they respectively shall have and receive from the Proprietors of the New Allotments respectively, such Allowance and Satisfaction for such his, her, or their Ploughing and Folding as aforesaid, as the said Commissioners, or any Three or more of them shall

Directions for
Ploughing,
&c.

shall think reasonable and direct; and that such Allowance and Satisfaction shall be recovered as aforesaid, with Costs as aforesaid.

Directions as
to the Course
of Husbandry,
till the Award
made.

And be it further Enacted, That from and after the passing of this Act, the said Commissioners, or any Three or more of them shall Order, Direct, and Appoint the Course of Husbandry that shall be used in the Tillage Parts of the said Fields (except as to such Ploughing as aforesaid, in such Part thereof which shall be Fallow the Year in which such Division and Allotments shall be made as aforesaid) until such Time as they shall have compleated their said Award; and that all and every Person's Estate in the said Fields, shall, during that Space of Time, be liable and subject to such Directions as the said Commissioners, or any Three or more of them, shall appoint, as well with regard to the Stocking, as to the Ploughing, Folding, Tilling, Sowing, and Laying down the same.

Power to ex-
change, with
the Consent of
the Commis-
sioners.

And be it further Enacted, That it shall and may be lawful for any of the Proprietors of Lands, Tenements, or Hereditaments in the said Fields, to exchange all or any of such Lands, Tenements, or Hereditaments, for any other Lands, Tenements, or Hereditaments, in *Thurleston* aforesaid, inclosed or intended to be inclosed by virtue of this Act, so as all and every such Exchange or Exchanges as aforesaid, be made by and with the Consent and Approbation of the said Commissioners, or any Three or more of them, and be so expressed and declared in the said Award or Instrument to be made by the said Commissioners as aforesaid; and that all and every such Exchange and Exchanges as aforesaid, that shall be made with such Consent and Approbation as aforesaid, testified as aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Not to revoke,
&c. any Set-
tlement, &c.

And be it further Enacted, That nothing in this Act shall be deemed, adjudged, or taken, to revoke, alter, extinguish, annul, or make void, any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, Incumbrance, or other Demand, out, of, upon, or affecting the said Tythes, Dues, and Payments, or any of the Lands and Grounds intended to be inclosed as aforesaid, or any of the Lands, Tenements or Hereditaments which shall be exchanged in pursuance of this Act: But that the several Lands, Tenements, and Hereditaments, so to be allotted and exchanged as aforesaid, shall, immediately after such Allotment and Exchange respectively as aforesaid, be, remain, and enure to the several Persons to whom the same shall be so allotted or given in Exchange as aforesaid; and such Persons shall, from thenceforth for ever, stand and be seized thereof respectively, to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, and no other, as he, she, or they respectively would have stood seized of his, her, or their several Tythes, Dues, and Payments, or Lands, Tenements, or Hereditaments, liable to be allotted and exchanged as aforesaid, in case the same had remained uninclosed and unexchanged, or this Act had not been made.

Provision as to
Chief and
other Rents.

And be it also further Enacted, That the whole of all and every the respective Allotments that shall be made in virtue of this Act, to all and every the respective Proprietors of Land, Ground, Tythes, Right of Common, or other Property in the said Fields, shall, from the Time of the

the Execution of such Award as aforesaid, stand, and be for ever charged with, and liable to, the Payment of all such Chief, Quit, and Fee-farm Rents, as are now issuing or payable out of, or for the whole, or any Part or Parts of the Land, Ground, Tythes, Right of Common, or other Property in any of the said Fields, in Respect whereof such Allotment or Allotments, or any Part or Parts thereof, shall be made as aforesaid, to the Person or Persons for the Time being entitled to such Rents respectively, and that such respective Allotments so to be made to all and every the said respective Proprietors, shall, from thenceforth, be totally exempt and discharged from the Payment of any other Chief, Quit, or Fee-farm Rent, to which such respective Allotments, or any Part or Parcel of the Lands whereof the same or any of them shall consist, stood charged with, or were or was subject or liable to before the passing of this Act, and the making of such Award as aforesaid.

Provided nevertheless, and it is hereby further Enacted and Declared, Power for the Lord Bishop of Litchfield and Coventry to lease as here- tofore. That it shall and may be lawful to and for the said *Frederick*, Lord Bishop of *Litchfield* and *Coventry*, and his Successors, from Time to Time, and at all Times hereafter, by Indenture, to make any Demise or Lease, Demises or Leases, of the Lands and Grounds, which by Virtue of this Act shall be allotted to him, and his Successors in Reversion as aforesaid, unto any Person or Persons, for such Term or Number of Lives or Years, and to reserve such annual Rent or Rents, and to take such Fine or Fines upon every such Demise or Lease respectively, as he the said Lord Bishop, or his Successors, might or could have done of the said Tythes, Dues, and Payments, in Respect whereof such Lands and Grounds are to be so allotted as aforesaid, at any Time before the passing of this Act, or in Case the same had not been made.

And be it further Enacted, Power to bor- row Money to defray Ex- pences, &c. That it shall and may be lawful to and for the Guardians, Husbands, Trustees, or Committees, or for any Persons acting as Guardians, Trustees, or Committees, of, or for, any Infants, Lunatics, Idiots, Females Covert, or Persons beyond the Seas, and to, and for, every of the Owners of Tythes, Land, Ground, Right of Common, or other Property in the said Fields, being Tenants in Tail, or for Life, to, or for whom any Allotment shall be made, in pursuance of this Act, other than the said Lord *William Manners*, *William Poebin*, *William Aislaby*, the Lord Bishop of *Litchfield* and *Coventry*, and the said Vicar, respectively, in Respect to the several Allotments herein before directed to be made to them respectively, to charge the Lands and Grounds, which shall be so allotted to them respectively, with any Sum or Sums of Money, not exceeding Three Pounds, for every Acre of such Lands and Grounds, to be paid to such Person or Persons, as the said Commissioners, or any Three or more of them, shall, for that Purpose, nominate or appoint, in order to be applied and disposed of for the Purpose of paying and defraying their respective Shares and Proportions of the Costs, Charges, and Expences aforesaid, and for securing the Repayment of such Sum or Sums of Money, with Interest, to Grant, Mortgage, Lease, or Demise the Lands and Grounds so to be charged as aforesaid, unto such Person or Persons respectively, as shall advance such Money for any Term or Number of Years; so as such Grant or Demise be made, with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money, with the Interest thereof, shall be paid.

And be it further Enacted, Securities for such Money to be valid. That every such Grant, Mortgage, Lease, or Demise of such Lands and Grounds, or any Part or Parts thereof to be made, in

in pursuance of this Act, shall be good, valid, and effectual, in the Law, for the Purposes thereby intended; notwithstanding the Want of Title in such Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such, or in such Tenants in Tail, or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of, or concerning the same Lands and Grounds, or any Part or Parts thereof then in being, or capable of taking Effect, to the contrary notwithstanding; and that the Receipt or Receipts of the Person or Persons to whom such Money to be borrowed upon Mortgage, as aforesaid, shall be as aforesaid directed to be paid, shall be a sufficient Discharge to the Person or Persons lending the same; and the Interest of the Money so to be borrowed, shall be paid and kept down by the Person or Persons in Possession for the Time being, of the Lands and Grounds to be charged with such Money as aforesaid.

Commissioners
to give Notice
of their Meet-
ings.

And be it further Enacted, That the said Commissioners, or any Three or more of them, shall, and they are hereby required to give public Notice in the Church of *Thurleston* aforesaid, upon some Sunday, immediately after Divine Service, and also to affix a like Notice, in Writing, upon every Door of the said Church, of the Time and Place of their first, and every other Meeting, for executing the Powers hereby vested in them, at least Fourteen Days before every such Meeting (Meetings by Adjournment only excepted); and when, and as often as, before the Execution of the said Award or Instrument, any one or more of the said Commissioners, appointed by this Act, or to be elected in the Manner herein after mentioned, shall die, or refuse to act, the Persons who respectively, for the Time being, shall be interested in the said Fields, to be inclosed as aforesaid, or the major Part of them, in Number and Value, shall, from Time to Time, within One Calendar Month next after the Death, or Refusal to act, of such Commissioner or Commissioners, by Writing, under their Hands and Seals, appoint one or more Commissioner or Commissioners, not interested in the said intended Inclosure, instead of such Commissioner or Commissioners dying, or refusing to act as aforesaid; and every Commissioner or Commissioners, so to be appointed as aforesaid, shall have the like Power and Authority, by Virtue of this Act, as the Commissioner or Commissioners, in whose Place or Places he or they shall succeed, was, or were, vested with; provided that Notice be given in the Church of *Thurleston* aforesaid, upon some Sunday, immediately after Divine Service, and a like Notice in Writing be affixed upon every Door of the said Church, of the Time and Place of Meeting, to chuse such Commissioner or Commissioners, at least Fourteen Days before every such Meeting.

Power to
choose Com-
missioners in
the Place of
those dying or
refusing to act.

Provided always, and it is hereby further Enacted, That this Act shall not prejudice, lessen, or defeat the Right or Interest of the said Lord *William Manners*, and *William Pocbin*, respectively, in or to the Seigniories, Royalties, Rights and Services, incident or belonging to the said Lord *William Manners*, and *William Pocbin* respectively, in the said respective Fields; but they and the Owners for the Time being, of their said respective Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites, and Profits of Courts, Priviledges, and Jurisdictions, to their said respective Manors belonging, (other than and except the Right to the Soil and Herbage of such Parcels of Land as shall be allotted by virtue of this Act, to any other Person or Persons, and such Right of Common, if any, as can or may be claimed by them, or either of them, or by the Owners for the

the Time being, of the said respective Manors, as such, upon the Lands hereby intended to be inclosed) in as full, ample, and beneficial Manner, to all Intents and Purposes, as they, either, or any of them, might have held and enjoyed the same, in case this Act had not been made.

Provided also, That nothing contained in this Act, shall authorize or empower the said Commissioners, or any of them, to Allot, Alter, or Vary the Right or Interest which any Person or Persons hath or have in or to certain Meadows in the Parish of *Barkby* aforesaid, severally called the *Meadow under Wanlip*, the *Langworth Meadow*, and the *Nest Meadow*, which are changeable between the Proprietors of such of the said Fields hereby intended to be inclosed, as are in the said Parish of *Barkby*, and the Proprietors of the Open Fields of *Barkby* aforesaid, or the Right or Interest which any Person or Persons, save the Proprietors of such of the said Fields hereby intended to be inclosed, as are in the said Parish of *Barkby*, hath or have in or to several Furlongs of Land (Part of such Fields) called the *Wheatholm* or *Wheatam*, or in or to certain Meadows or Places severally called *Soutberdole*, and *Tburmaaston Upperend Meadow*, or the Right or Interest which *Beaumont* hath of and in a certain Meadow or Place in *Tburmaaston* aforesaid, called the *Bellholme*, or the Right or Interest which the said *Beaumont*, and *Dickson*, and *Warner* severally have, in a certain Meadow or Place in *Tburmaaston* aforesaid, called the *East Meadow*.

Saving to the KING's most EXCELLENT MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, (other than and except the said Lord Bishop, the said Lord *William Manners*, *William Pocbin*, *William Aislaby*, *Ralph Heatbroke*, *Nicholas Simons*, *George Pocbin*, *Samuel Gamble*, *William Gutteridge*, *William Adcock*, *John Choise*, and all other Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, his, her, and their Heirs, Successors, Executors and Administrators respectively) all such Estate, Right, Title and Interest, as they, every, or any of them, had and enjoyed therein before the passing this Act, or could or ought to have had or enjoyed, in case the same had not been made. But no such other Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act, but shall accept the several Allotments which shall be made in Lieu of the Tythes, Dues, Payments, Lands, Common Right, and other Interests in the said Fields, which he, she, or they would have been intitled to, in case this Act had not been made; and shall be intitled to recover such Allotments, as fully as he, she, or they would have been intitled to have recovered the Tythes, Dues, Payments, Land, Ground, and Right of Common, in Lieu of which such Allotments shall be made as aforesaid.

the time being, of the said respective persons, as before upon the latter hereby intended to be included, as full, entire, and perfect, inasmuch, to all intents and purposes, as they, either, or any of them, might have been and employed or used in this line, had not been made.

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and inspection, and to all and every other person and persons, living or hereafter

known to the KING's most Excellent Majesty, his Heirs and Successors.

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For Dividing and Inclosing
Fields of Thurnaston, in
the County of Leicesters.
riber of Belgrave and B

[1762.]

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ckby, in